

**TEMPLATE NOTICES OF CLASS MEMBERSHIP
UNDER THE *MENDEZ ROJAS* SETTLEMENT AGREEMENT
TO THE USCIS ASYLUM OFFICE**

These template notices are not a substitute for independent legal advice supplied by a lawyer familiar with your case.

Only use one of these template notices if:

- You are a member of one of the classes in *Mendez Rojas v. Wolf* (see below);
- You received a Form I-862 Notice to Appear (NTA) on or after June 30, 2016;
- The U.S. Department of Homeland Security (DHS) did not provide the NTA to an immigration court; and
- You are applying for asylum with U.S. Citizenship and Immigration Services (USCIS).

If your case is currently being heard by an immigration court or the Board of Immigration Appeals, you should use the template notices for cases before those courts.

Class Membership

Class A

- You are a member of Class A if:
 - You were detained by DHS *either* (i) when you came to the United States; *or* (ii) within fourteen days of entering the United States without permission;
 - You received a screening interview with an asylum officer (a credible fear interview) and DHS released you after the interview because the asylum officer found that you had a credible fear of persecution or torture;
 - The government did not notify you that your asylum application had to be filed within one year of your arrival to the United States; **and**
 - You are applying, or you applied, for asylum more than one year after the last time you arrived in the United States.
- Subclasses:
 - You are a member of Subclass A.I if you **are not** in removal proceedings.
 - You are a member of Subclass A.II if you **are** in removal proceedings.

Class B

- You are a member of Class B if:
 - You were detained by DHS *either* (i) when you came to the United States; *or* (ii) within fourteen days of entering the United States without permission;
 - You told an immigration officer you were afraid to return to your country of origin and then DHS released you from detention and gave you a Notice to Appear (NTA) before an immigration judge in removal proceedings (Form I-862);
 - The government did not notify you that your asylum application had to be filed within one year of your arrival to the United States; **and**
 - You are applying, or you applied, for asylum more than one year after the last time you arrived in the United States.

- Subclasses:
 - You are a member of Subclass B.I if you **are not** in removal proceedings.
 - You are a member of Subclass B.II if you **are** in removal proceedings.

When preparing a notice of class membership, please note:

You only need to submit one notice. **Template notice #1** below is for *Mendez Rojas* Subclass A.I members, and **template notice # 2** is for *Mendez Rojas* Subclass B.I members.

Be sure to complete the sections in **yellow** highlight with information specific to your case.

You may **either** give the USCIS asylum office a notice of class membership in writing **or** tell the asylum officer that you are a *Mendez Rojas* class member at your asylum interview. Because asylum applicants do not control the scheduling of their interviews, filing your notice in writing may be the only way to file by the **March 31, 2022** deadline for notices of class membership.

If you have not submitted an asylum application already, you **must** submit one along with the notice of class membership.

- A notice of class membership is **not** a substitute for an asylum application.
- Instructions on filing a Form I-589, Application for Asylum and for Withholding of Removal, can be found at www.uscis.gov/i-589.

Deadline for Filing

You must notify the asylum office of your class membership under the *Mendez Rojas* Settlement Agreement by **March 31, 2022**.

This means that USCIS must **receive** the notice on or before **March 31, 2022**.

It is strongly recommended that you mail the notice by overnight, certified, or priority mail so you have proof of delivery on or before the deadline.

Where to File

If your asylum application has already been filed with USCIS, your notice of class membership and all supporting documents should be mailed to the asylum office with jurisdiction over your application. The addresses for USCIS asylum offices are available online at <https://egov.uscis.gov/office-locator/#/asy>.

If you have not yet filed your asylum application, you must send the application, the notice of class membership, and all supporting documents to the appropriate USCIS service center. The instructions on filing a Form I-589, Application for Asylum and for Withholding of Removal, include information about where you must file your application. They are available online at www.uscis.gov/i-589.

TEMPLATE NOTICE #1: SUBCLASS A.I

[DATE]

[ADDRESS OF SERVICE CENTER OR ASYLUM OFFICE]

RE: [CLASS MEMBER'S NAME], A []
Notice of Membership in *Mendez Rojas* Class (Subclass A.I)

To Whom It May Concern:

Pursuant to the Settlement Agreement in *Mendez Rojas v. Wolf*,¹ [APPLICANT'S NAME] hereby notifies U.S. Citizenship and Immigration Services (USCIS) that he/she is a member of a class certified in *Mendez Rojas* and that, therefore, USCIS must deem his/her asylum application to have been timely filed. See Exhibit A (*Mendez Rojas* Settlement Agreement).

The applicant is a member of *Mendez Rojas* Subclass A.I, because:

1. [Either: The applicant was encountered by the Department of Homeland Security (DHS) upon arrival Or The applicant was encountered by the Department of Homeland Security (DHS) within fourteen days of unlawful entry.]
2. The applicant was released from DHS custody, after he/she was deemed to have a credible fear of persecution or torture.
3. The applicant did not receive individualized notice of the one-year filing deadline.
4. The applicant was issued a Notice to Appear in Removal Proceedings.
5. The applicant applied for asylum more than one year after his/her last arrival.

See Exhibit B (Applicant's Declaration). Pursuant to the *Mendez Rojas* Settlement Agreement, USCIS must deem his/her asylum application to have been timely filed because it was filed on or before March 31, 2022.

Sincerely,

[Applicant's or, if represented, Attorney's Name]

Enclosed: Exhibit A (*Mendez Rojas* Settlement Agreement)
Exhibit B (Applicant's Declaration)

¹ The case was filed and decided by the district court under the name *Mendez Rojas v. Johnson*. See 305 F. Supp. 3d 1176 (W.D. Wash. 2018).

EXHIBIT B

DECLARATION OF [APPLICANT'S NAME]

1. My name is [APPLICANT'S NAME].
2. [Either: I was encountered by the Department of Homeland Security (DHS) upon arrival.
OR I was encountered by the Department of Homeland Security (DHS) within fourteen days of having entered the United States without inspection.]
3. I was released from DHS custody, after DHS found that I have a credible fear of persecution or torture.
4. I did not receive individualized notice of the one-year filing deadline.
5. I applied for asylum more than one year after I last arrived in the country.

I declare that the following is true and correct. Executed at [CITY, STATE].

[APPLICANT'S NAME]
Declarant

Date

TEMPLATE NOTICE #2: SUBCLASS B.I

[DATE]

[ADDRESS OF SERVICE CENTER OR ASYLUM OFFICE]

RE: [APPLICANT'S NAME], A[]
Notice of Membership in *Mendez Rojas* Class (Subclass B.I)

To Whom It May Concern:

Pursuant to the Settlement Agreement in *Mendez Rojas v. Wolf*,² [APPLICANT'S NAME] hereby notifies U.S. Citizenship and Immigration Services (USCIS) that he/she is a member of a class certified in *Mendez Rojas* and that, therefore, USCIS must deem his/her asylum application to have been timely filed. See Exhibit A (*Mendez Rojas* Settlement Agreement).

The applicant is a member of *Mendez Rojas* Subclass B.I, because:

1. [Either] The applicant was encountered by the Department of Homeland Security (DHS) upon arrival **Or** The applicant was encountered by the Department of Homeland Security (DHS) within fourteen days of unlawful entry.]
2. The applicant expressed a fear of return to his/her country of origin.
3. The applicant was released upon issuance of a Notice to Appear in Removal Proceedings.
4. The applicant did not receive individualized notice of the one-year filing deadline.
5. The applicant applied for asylum more than one year after my/his/her last arrival.

See Exhibit B (Applicant's Declaration). Pursuant to the *Mendez Rojas* Settlement Agreement, USCIS must deem his/her asylum application to have been timely filed because it was filed on or before March 31, 2022.

Sincerely,

[Applicant's or, if represented, Attorney's Name]

Enclosed: Exhibit A (*Mendez Rojas* Settlement Agreement)
Exhibit B (Applicant's Declaration)

² The case was filed and decided by the district court under the name *Mendez Rojas v. Johnson*. See 305 F. Supp. 3d 1176 (W.D. Wash. 2018).

EXHIBIT B

DECLARATION OF [APPLICANT'S NAME]

1. My name is [APPLICANT'S NAME].
2. **[Either:** I was encountered by the Department of Homeland Security (DHS) upon arrival.
Or I was encountered by the Department of Homeland Security (DHS) within fourteen days of having entered the United States without inspection.]
3. I was released upon issuance of a Notice to Appear in Removal Proceedings.
4. I did not receive individualized notice of the one-year filing deadline.
5. I applied for asylum more than one year after I last arrived in the country.

I declare that the following is true and correct. Executed at [CITY, STATE].

[APPLICANT'S NAME]
Declarant

Date